

Dear Honorable Judge Young.

my name is Fabian A. Ruiz. I went to trial in front of you in case # 03-10362 and now trying to get an appeal under case # 05-2233.

I am having some problems with filing my appeal. My attorney Valerie Carter has not filed the appropriate paperwork in on time, nor at all. She was my attorney in the criminal case and sent me a Motion for leave to Appeal forma Pauperis for me to sign and send back to her to file it so that I could get new counsel. When I did, she sent it back to me saying I had to file it into the courts along with an Appearance Form, Docketing statement, and Transcript order Form. I reviewed those forms and it was not for me to fill out. It was for her to fill out and file for me.

Enclosed is a letter I sent her. The first time she sent me the above items, the due date had passed. When she returned them to me, a new form was included informing me that my appeal was in Default and I had 14 days to fill the forms out and file them or my case would be dismissed.

I am asking this court for an extension in time for filing the documents. I have an outstanding balance with Mrs. Carter and have not been able to afford an attorney for some time. I ask the court to appoint me new counsel for my appeal.

The first dead line was Sept 11, 2005. But I did not receive the forms from my attorney until Sept 9, 2005. The Notice of Default and intent to dismiss was issued on Sept 26, 2005 and I received it on Sept 28, 2005. I wrote my attorney (certified mail) the very same day. I yet to have a response from her and she has all the forms.

Again I ask the court for an extension in the dead line and for an attorney that is willing to help me on my appeal.

Sincerely

Dated Oct-8-2005

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